



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Bayne Satterfield, Commissioner
Firemen's Pension Commission
Post Office Box 1062
Austin, Texas

Dear Sir:

Opinion No. O-6358
Re: Form of certificate of eligi-
bility to retire under Fire-
men's Relief and Retirement
Act as amended by Senate Bill
69, 49th Legislature.

Your recent letter states that:

"The current session of the Legislature re-
cently amended Article 6245-E, V.C.S., 1925,
as amended by enacting Senate Bill No. 69, which
became effective on March 23rd, 1945. The amend-
ment merely adds the following on to section 6
after the last sentence.

"Notwithstanding any other provision of
this Act, it is hereby specially provided that
any eligible and qualified fireman who shall
have completed twenty (20) years of service
before reaching the age of fifty-five (55)
years may apply to the Board of Trustees for,
and it shall be the Board's duty to issue, a
certificate showing the completion of such
service and showing and certifying that such
fireman, when reaching the age of fifty-five
(55) years, will be entitled to the retirement
and other applicable benefits of the Act; pro-
vided further, that when any fireman shall have
been issued such certificate he shall, when
reaching retirement age, be entitled to all
the applicable benefits of the Act, even though
he shall not have been engaged in active serv-
ice as a fireman after the issuance of such

certificate. Provided further, that in order to participate in the benefits authorized under this Act all persons shall continue to pay into the Firemen's Relief and Retirement Fund the amounts provided for all participants thereunder up to the time of their retirement.'

"We have a CERTIFICATE OF ELIGIBILITY TO RETIRE as provided in Section 14 of the Act and which has been approved by you. We would appreciate your drafting another to comply with the provisions of this new amendment."

A careful reading of the entire Act leads us to the conclusion that it would be advisable for the Commission to issue two certificates. One, when the fireman has served twenty years or more and is fifty-five years of age, when the form of certificate suggested in our Opinion No. 0-3099, copy of which is herewith handed to you, should be issued.

However, when the fireman wishes to retire but has not yet reached the age of retirement, fifty-five years, then we suggest that the Commission issue to this fireman a service certificate in the following form:

"SERVICE CERTIFICATE

"TO WHOM IT MAY CONCERN:

"This is to certify that _____
is a duly appointed and enrolled member of the _____
Fire Department and on
this date has completed 20 years or more of service as an active fireman in said fire department and that he is a participating member of the Firemen's Relief and Retirement System of this city, operating under the provisions of House Bill No. 255, Acts of the 45th Legislature of Texas, as amended.

"Said member, having served his required 20 years or more is qualified and entitled to be retired by this Board, but not having reached the age of 55 years he shall when he is 55 years of age be entitled to and shall receive retirement and other applicable benefits of the above Act, as amended.

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"This certificate is therefore issued to the above member in compliance with section 6 of said House Bill No. 258 as amended by Chapter 40 of Acts of the 49th Legislature, and is issued in accordance with the minutes of a meeting of this Board on the _____ day of _____, 19____, and a copy of this Certificate has been made, as of this day, a part of these minutes.

"Witness our hands this the _____ day of _____, A. D. 19____.

(SEAL)
OF
(CITY)

"Board of Firemen's Relief
and Retirement Fund Trustees of _____,
Texas

CHAIRMAN

Attest

Secretary"

We believe that the above form and the form approved in our Opinion No. O-5099 will take care of the two contingencies provided for by the Act.

Yours very truly

ATTORNEY GENERAL OF TEXAS

David Wuntch
By

David Wuntch
Assistant

APPROVED MAY 12, 1945
Carl A. [Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

CHIEF
Encl.

